



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MICHAEL SCHWARTZ

Serial No.: 10/774,150

Filed: February 6, 2004

For: NURSERY TREE PIPE OR CONDUIT
AND A METHOD OF MAKING THE
SAME

Art Unit: 3643

Examiner: Unknown

Atty. Docket: 26763-001 USNA

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION FILED UNDER 37 CFR 1.53(b)**

Sir:

This letter is in response to the Notice to File Missing Parts of Nonprovisional Application mailed on July 23, 2004, which indicates that, the Oath or Declaration for the subject patent application is unsigned and that replacement drawings are required.

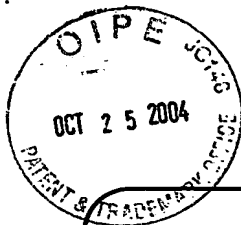
Enclosed please find an executed Declaration in compliance with 37 C.F.R. 1.63 for each inventor with respect to the subject patent application, replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121, as well as a copy of the Notice to File Missing Parts of Application. Additionally, applicant files herewith a one month petition for extension of time.

Please charge the late filing declaration fee of \$65.00 and extension of time fee of \$55.00 to Deposit Account No. 501447 (Potter Anderson & Corroon LLP), as well as any additional fees or credit any over-payment.

Respectfully submitted,

Thomas R. Mancini
Attorney for Applicant
Registration No. 50,157
Telephone: (302) 984-6127
Facsimile: (302) 658-1192
651331v1

Dated: October 22, 2004



Please type a plus sign (+) inside this box →

+

PTO/SB/21(08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

18

Application Number

10/774,150

Filing Date

February 6, 2004

First Named Inventor

Michael Schwartz

Group Art Unit

3643

Examiner Name

Unknown

Attorney Docket Number

26763-001 US NA

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☒ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☒ Response to Missing Parts/
Incomplete Application

☒ Response to Missing
Parts under 37 CFR
1.52 or 1.53

☐ Assignment Papers
(for an Application)

☒ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication
to Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please
identify below):

- Certificate of Mailing
- Executed Declaration
- Copy of Notice to File Missing Parts

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

Thomas R. Mancini, Esquire Registration No. 50,157

Signature

Date

October 22, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to MS Missing Parts Commissioner for Patents PO Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

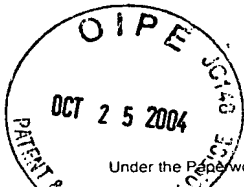
Darcy A. White

Signature

Date

October 22, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☒ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 120.00

Complete if Known

Application Number	10/774,150
Filing Date	February 6, 2004
First Named Inventor	Michael Schwartz
Examiner Name	Unknown
Group / Art Unit	3643
Attorney Docket No.	26763-001 US NA

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

501447

Deposit
Account
Name

Potter Anderson & Corroon LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	770	201	385	Utility filing fee	
106	340	206	170	Design filing fee	
107	530	207	265	Plant filing fee	
108	770	208	385	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES

Total Claims		-20	=	Extra Claims	X	Fee from below	=	Fee Paid
Independent Claims		-3	=		X	86	=	
Multiple Dependent	<input type="checkbox"/>				X	280	=	0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	86	202	43	Independent claims in excess of 3	
104	290	204	145	Multiple dependent claim, if not paid	
109	86	209	43	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55.00
116	420	216	210	Extension for reply within second month	
117	950	217	475	Extension for reply within third month	
118	1,480	218	740	Extension for reply within fourth month	
128	2,010	228	1,005	Extension for reply within fifth month	
119	330	219	165	Notice of Appeal	
120	330	220	165	Filing a brief in support of an appeal	
121	290	221	145	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,330	241	665	Petition to revive - unintentional	
142	1,330	242	665	Utility issue fee (or reissue)	
143	480	243	240	Design issue fee	
144	640	244	320	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	770	246	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	770	249	385	For each additional invention to be examined (37 CFR § 1.129(b))	
179	770	279	385	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

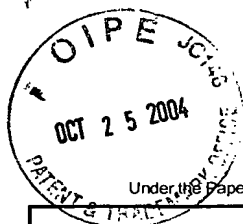
*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 120.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Thomas R. Mancini	Registration No. Attorney/Agent)	50,157	Telephone	(302) 984-6127
Signature				Date	October 22, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Alexandria, VA 22313-1450.



Certificate of Mailing under 37 CFR 1.8

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on October 22, 2004
Date


Signature

Darcy A. White

Type or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Application Number: 10/774,150

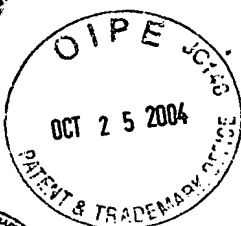
Filing Date: February 6, 2004

Applicant: Michael Schwartz

Attorney Docket: 26763-001 US NA

Title: NURSERY TREE PIPE OR CONDUIT AND A METHOD OF MAKING THE SAME

- Transmittal Form
- Fee Transmittal
- Petition for Extension of Time (one month)
- Copy of Notice to File Missing Parts of Non Provisional Patent Application
- Response to Notice to File Missing Parts of Non Provisional Patent Application
- Executed Declaration for Utility or Design Patent Application
- Drawings (9 sheets)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Page 1 of 2

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/774,150	02/06/2004	Michael Schwartz	26763-001 US NA

CONFIRMATION NO. 7291

FORMALITIES LETTER



OC000000013323309

26691
POTTER ANDERSON & CORROON LLP
ATTN: KATHLEEN W. GEIGER, ESQ.
P.O. BOX 951
WILMINGTON, DE 19899-0951

Date Mailed: 07/23/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch). See Figure(s) 9.
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 9.
 - More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.) (see 37 CFR 1.84(u)(1)). See Figure(s) 9.

SUMMARY OF FEES DUE:

10/26/2004 RHEBRAHT 00000044 501447 10774150
01 FC:2051 65.00 DA

- **\$65 Late oath or declaration Surcharge.**

A copy of this notice MUST be returned with the reply.

T.TU
Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE